



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

Notice of Drainage Board Meeting for Determination of Practicability of an Intercounty Drainage District

DATE: October 30, 2020

TIME: 10:00 a.m.

LOCATION: <https://us02web.zoom.us/j/84447116313>, Passcode: 560635
Or by telephone at 312-626-6799, Meeting ID: 844 4711 6313,
Passcode: 560635

The Intercounty Drainage Board will meet at the above date, time and location to consider the application, dated August 31, 2020, to lay out and designate an intercounty drain drainage district pursuant to Chapter 5 of Public Act 40 of 1956, as amended, to determine the sufficiency of signatures on said application, to consider the route and type of construction of the proposed intercounty drain and to further determine whether the proposed intercounty drain drainage district is practicable.

Proceedings conducted at this public meeting will be subject to the provisions of the Michigan Open Meetings Act and Executive Order 2020-154. Public comment will be received at the meeting from anyone owning lands potentially liable for an assessment, or whose lands may be crossed by the drain, or any municipality affected. Written comments may be submitted prior to the meeting to, or additional information may be obtained from the following offices:

Bernard J. Barnes
Gratiot County Drain Commissioner
904 E. Center St.
Ithaca, Michigan 48847
989-875-5207

Robert J. Willoughby
Isabella County Drain Commissioner
200 N. Main St.
Mt. Pleasant, Michigan 48858
989-772-0911 x247

Persons with disabilities needing accommodations for effective participation in the meeting should contact the Drain Commissioner of their County at the number listed above or through the Michigan Relay Center at 7-1-1 (TDD) at least 24 hours in advance of the meeting to request mobility, visual, hearing or other assistance.

Dated: September 29, 2020

Brady Harrington, Deputy
For Gary McDowell, Director
Michigan Department of Agriculture
and Rural Development
(517) 284-5624

AGENDA

**Meeting to Determine Practicability of Petition
for Proposed Maintenance and Improvements**

(Gratiot and Isabella Counties)

<https://us02web.zoom.us/j/84447116313>

312-626-6799, Passcode: 560635

October 30, 2020 - 10:00 a.m.

1. Call to order
2. Introduction of Drainage Board Members
Brady Harrington, Michigan Dept. of Agriculture & Rural Development
Bernard J. Barnes, Gratiot County Drain Commissioner
Robert J. Willoughby, Isabella County Drain Commissioner
3. Motion to elect secretary – Board Members
4. Approval of the agenda
5. Reading of application, explanation of procedures, and voting rules
6. Motion regarding the sufficiency of signatures on the application
7. Consideration of the route and type of construction of the proposed drain
8. Public comment and questions **(please complete a speaker card)**
 - Please state name and relation to proposed project
 - Limit comments to 5 minutes until everyone has their first opportunity to speak
 - Be specific/describe problems or desired solutions
9. Board members' comments
10. Motion regarding practicability of the drainage district
11. Motion regarding the designation of a name or number for the drainage district
12. Motion to select an engineer or surveyor
13. Closing comments/sign orders
14. Adjourn

Explanation of Drain Code Procedure

Meeting to Determine Practicability for Intercounty Drains

This meeting is convened in response to an application to lay out and designate an intercounty drainage district received by the Gratiot County Drain Commissioner. The application was filed by eleven freeholders on August 31, 2020. This application requests that the drainage district be designated as a preliminary step to locating and establishing an intercounty drain under the provisions of Sections 101-106 of Act. No. 40 of the Public Acts of 1956, as amended. The tentative description of the location of said drain is described in the application.

This application is a request to consider the design of a proposed drain, and establish a drainage district, which would be liable for assessment in the event that the drain was constructed. Under the Drain Code the intercounty drainage board is required to hold this public meeting to receive testimony from persons and affected local units of government.

The decision to determine practicability is the judgment of the drainage board by majority vote of its members. Practicability can be generally described as the determination of whether the petition is properly worded and would allow the Board to respond to the problems brought forth in testimony and that the desired improvements are capable of being done within the petition. **One of the two following decisions will be made by the Drainage Board at this meeting:**

If determined practicable: The drainage board must employ a professional engineer to survey the most suitable location for the drain and develop alternative plans with cost estimates to accomplish the construction of the drain. Following the completion of the engineer's report, an order designating a drainage district will be filed by the drainage board. If, subsequently, a petition requesting that the proposed drain be located and established is filed, a second public meeting will be convened to determine the necessity of a project. Proposed solutions and project costs are presented at that meeting. Testimony will be received on the necessity of a project. A decision will be made, again by majority vote of the drainage board members to proceed to construct the project or end it. The necessity decision may be appealed to the circuit court of the county you reside in within 10 days of that meeting.

If determined NOT practicable: The procedure terminates, no appeals by statute are permitted. A new application may not be submitted within 1 year.

Decisions of the Drainage Board at this meeting are not subject to appeal.